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No. 179

In the
Supreme Court of the United States
OCTOBER TERM, 1968

WILLIAM C. LOPTIEN
and LOLA LOPTIEN,

Appellants,

vs.

CITY OF SYCAMORE,

Appellee.

On Appeal from the Supreme Court of Illinois.

APPELLANTS' REPLY BRIEF AND MOTION

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APPELLANTS' REPLY BRIEF AND MOTION SEEKING THE PHYSICAL STRIKING OF THE OBJECTIONS TO APPELLANTS' APPEAL

Now Comes The Appellants, William and Lola Loptien and move this Court to strike the document filed by the Appellees as objections because it is an imposition on this Court, and in support of this Motion they attach the affidavit with suggestions, signed by the one appellant only.

/s/ William C. Loptien
William C. Loptien, Appellant

AFFIDAVIT WITH SUGGESTIONS IN SUPPORT OF THIS MOTION

Now comes William C. Loptien as the affiant and referring to himself in that capacity and says as follows:

On the legal record coming from the Illinois Supreme Court, amended by the addition of the final order by motion, the court has been asked to make it mandatory for the court mentioned to let a record be filed so that an appeal can be perfected. The jurisdictional statement filed by the affiant covers just four pages, and what the appellants seek is just to be heard as the 14th Amendment provides.

The appellees, through special counsel employed for that purpose, have filed a 14-page brief citing the law in Illinois covering court rules and statutes and argue that the appeal was not timely, ignoring the fact that a motion to vacate the order of dismissal by the Supreme Court extended the time in which a notice of appeal had to be filed.

The appellees then say a record was furnished but the affiant did not file it and that statement is false and untrue, and make a big issue about the report of proceedings in the case that ended in 1959.

The affiant has no compunctions about denying under oath that he had a common law record as of October 24th, 1967 that was complete but he admits that he was given material that could not be used, which necessitated his having to make a motion to get the final order before this Court.

The Praecipe for Record calls for five Orders, but this Court has only two, the last one being secured and sent to this Court by the Motion acknowledged by the Clerk of this Court on the 25th of June 1968.

This case is a quasi-criminal case and it is the contention of the affiant that he is entitled to the benefit of this court's help at this time on the basis of illegal acts of the Clerk of the Court in Sycamore, along with the unethical conduct of the City Attorney.

If a motion has been made to strike the brief of the appellees, undoubtedly this court would receive an objection from the counsels involved saying that the affiant admitted all that was in the brief, so he has asked this court to physically strike the document which had to be filed in bad faith, and is being kept here although the affiant pleaded with the counsels to withdraw the fraud they are perpetrating on this Court, which they declined to even discuss by letter on the 23rd of August, 1968, which reached the affiant a few days later.

It is to be noted that in the record this affiant asked the Illinois Supreme Court to send this case to the DeKalb County Bar Association where it belongs because, as previously stated, this affiant was imposed upon by all counsels, including his own.

/s/ William L. Loptien,
William C. Loptien, Affiant

State of Illinois)
) ss.
County of DeKalb)

Subscribed and Sworn to Before me this 13th day of September, 1968.

/s/ Geraldine Jansen
Notary Public

Affirmation on Proof of Service.